

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF TERI R. CARSON IN
SUPPORT OF JOINT ADMINISTRATIVE
OMNIBUS MOTION TO SEAL**

1 I, Teri R. Carson, declare as follows:

2 I am the Assistant Athletic Director for Compliance and Student-Athlete Services at the
 3 University of California, Los Angeles (“UCLA”). UCLA is a member of the Pac-12 Conference,
 4 which is a defendant in this action. I make this declaration based on my personal knowledge and
 5 investigation, and if called as a witness to testify, I could and would testify competently to the
 6 following facts.

7 1. This declaration is being made in support of the Joint Administration Omnibus
 8 Motion to Seal (“Motion”), and pursuant to Civil Local Rules 7-11 and 79-5.

9 2. UCLA moves to maintain the confidentiality of certain portions of documents filed
 10 under seal by the parties that contain or reflect confidential personal information of individual
 11 student-athletes.

12 3. A party seeking to file a document under seal must “establish that a document, or
 13 portions thereof, are sealable.” Civil L.R. 79-5(b). In connection with a dispositive motion, a
 14 designating party must demonstrate that “compelling reasons” exist to protect the information from
 15 being disclosed. *Kamakana v. City & County of Honolulu*, 447 F. 3d 1172, 1178-79 (9th Cir.
 16 2006). Redactions, instead of complete removal, can be used to place “limited and clear” portions
 17 of information outside the public record. *Id.* at 1183. UCLA can demonstrate that compelling
 18 reasons exist to maintain the portions of the document listed below under seal.

19 4. UCLA requests that the portions of the Expert Report of Catherine Tucker (attached
 20 as Exhibit One to the Declaration of Rakesh N. Kilaru, filed as Dkt. 254-1), listed in the table in
 21 paragraph 7 below, be maintained under seal. These portions of the Tucker Report are referred to
 22 herein, collectively, as the UCLA Student Records.

23 5. I am familiar with the UCLA Student Records. The UCLA Student Records
 24 contain and reflect confidential personal information of (and directly related to) current or former
 25 UCLA student-athletes. The UCLA Student Records are maintained by UCLA; indeed, they were
 26 produced from UCLA files.

27 6. UCLA treats the UCLA Student Records as education records within the meaning
 28 of the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g (“FERPA”). Such records,

1 and the information they contain, may not be disclosed to the public without first obtaining a
2 release from the student or parent. In keeping with FERPA, UCLA gave notice to its current and
3 former student-athletes about the potential for some of their records to be produced in this
4 litigation, but subject to the protective order, before producing any records, and marked the records
5 pursuant to the Protective Order entered in this case.

6 7. UCLA supports the parties' Motion to redact those portions of the Tucker Report
7 that contain UCLA Student Records which reflect the personal information of individual UCLA
8 student-athletes, as identified below and in the Proposed Order:

| Document | Entry Number | Text to be Sealed |
|--|--------------|-------------------|
| Expert Report of Catherine Tucker (attached as Exhibit One to the Declaration of Rakesh N. Kilaru) | Dkt. 254-1 | p. 175, ¶ 207 |
| | | p. 175, n.452 |
| | | p. 209-10, ¶ 250 |
| | | p. 210, n.550 |

15 8. The limited redactions proposed above are narrowly tailored, and seek to seal only
16 individual UCLA student-athletes' confidential information, the public disclosure of which would
17 harm such third-party individuals. Disclosing these redacted portions publicly is also unnecessary
18 in this litigation, as these student-athletes' specific identities are irrelevant to Plaintiffs' arguments
19 in support of class certification.

20 9. For the foregoing reasons, UCLA respectfully submits that compelling reasons
21 exist to seal the information as identified above and in the Proposed Order.

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct.

24 Executed on September 27, 2023, in Los Angeles, California.

Teri R. Carson

SIGNATURE CERTIFICATION

I, Whitty Somvichian, am the CM/ECF user whose ID and password are being used to file this Declaration of Teri R. Carson of University of California, Los Angeles (“UCLA”) in support of the Joint Administrative Omnibus Motion to Seal. In compliance with Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: September 29, 2023

COOLEY LLP

By: /s/ Whitty Somvichian
Whitty Somvichian

Attorneys for Defendant
PAC-12 CONFERENCE